

87-6719 Be-dale

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L236066

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Lawyer's Title Company
617 Caroline
Houston, Texas 77002

AFFIDAVIT OF NON-PRODUCTION

07/21/87 00463890 L236066 \$ 11.00

THE STATE OF TEXAS §
COUNTY OF HARRIS §

186-37-1303

BEFORE ME, the undersigned authority, on this day, personally appeared FRANKLIN S. BARRY, JR., known to me to be the person making this Affidavit, who by me being first duly sworn, did depose and state under oath as follows:

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1. That Affiant is over the age of 21 years, of sound mind, has been an officer or employee of SDS Biotech Corporation ("SDS") since July 1, 1983, and, as a result of his employment with SDS has personal knowledge of the facts set forth herein;
 2. That since July 1, 1983, SDS and/or its wholly-owned affiliate, Fermenta Plant Protection Corporation, has owned or occupied, and Affiant has been familiar with, that certain real property located in Harris County, Texas (the "Land"), more particularly described in Exhibit A attached hereto and made a part hereof for all purposes, and which Land is described in and covered by those two (2) certain oil, gas and mineral leases (the "Leases") recorded in the Official Public Records of Real Property of Harris County, Texas, filed December 4, 1972, under Clerk's File No. D751463, and filed June 12, 1974, under Clerk's File No. E176942, and
 3. That during such time Affiant has not personally observed nor been informed of any drilling or other oil and gas operations on the Land, nor of any production of oil, gas or other minerals or any substitute for production or any other action which would maintain said Leases in force and effect, and that neither SDS nor Fermenta has received any royalties, bonus payments, delay rentals, production payments, or any other payments, from any mineral lessee under the Leases.

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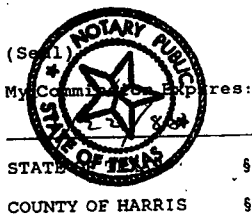
186-37-1304

EXECUTED this 20th day of July, 1987.

Franklin S. Barry, Jr.
Affiant: Franklin S. Barry, Jr.

SUBSCRIBED AND SWORN TO before me by the said Franklin S. Barry, Jr. on this the 20th day of July, 1987.

Cassio B. Shison
Notary Public in and for
the State of Texas



This instrument was acknowledged before me on the 20th day of July, 1987, by Franklin S. Barry, Jr.

Cassio B. Shison
NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

Notary's Printed Name: Cassio B. Shison



0787107
WP0770

FILED
Jul 21 3 56 PM '87
HARRIS COUNTY, TEXAS

DESCRIPTION

EXHIBIT A

TRACT 1

186-37-1305

BEING 85.1531 acres of land located in the Richard and Robert Vince Survey, Abstract No. 76, Harris County, Texas and being a portion of that certain 99.811 acre tract of land conveyed to J.F. Hadding, Trustee by deed recorded in Volume 1395, Page 533 of the Deed Records of Harris County, Texas, said 85.1531 acres of land is more particularly described by metes and bounds as follows:

Note: All bearings recited herein are referenced to the City of Houston Monumentation System.

COMMENCING at City of Houston Monument No. 5857/1413 having coordinates of X=3,215,373.18 feet and Y=719,818.27 feet;

THENCE South 19 deg. 29 min. 36 sec. East, a distance of 357.88 feet to a concrete monument with brass disc stamped "North 31+18.87, East 27+18.77" found marking the east corner of the herein described tract, same being the east corner of said 99.811 acre tract;

THENCE South 53 deg. 27 min. 36 sec. West, generally along the bank of a drainage ditch, passing a southeasterly projection of the northeasterly high bank of Greens Bayou at 2380.93 and continuing the same course a total distance of 2569.80 feet to the south corner of the herein described tract, same being the south corner of said 99.811 acre tract;

THENCE the following courses along the southwesterly line of said 99.811 acre tract:

1. North 49 deg. 00 min. 24 sec. West, a distance of 273.38 feet;
2. North 42 deg. 15 min. 24 sec. West, a distance of 283.98 feet;
3. North 31 deg. 50 min. 24 sec. West, a distance of 290.48 feet;
4. North 29 deg. 02 min. 24 sec. West, a distance of 273.00 feet;
5. North 40 deg. 43 min. 24 sec. West, a distance of 400.00 feet;

6. North 55 deg. 05 min. 33 sec. West, a distance of 66.23 feet to the west corner of said 99.811 acre tract same being the south corner of that certain 3.6559 acre tract of land conveyed to Penwalt Corporation by deed filed under Film Code No. 118-92-1613, Official Public Records of real Property, Harris County, Texas;

THENCE North 53 deg. 27 min. 36 sec. East, at 88.19 feet pass the high bank of Greens Bayou, at 93.19 feet and right 1.02 feet pass a 2 inch iron pipe found, continuing the same course a total distance of 1212.70 feet to a 1/2 inch iron rod set for corner;

THENCE South 36 deg. 32 min. 24 sec. East, a distance of 28.00 feet to a 1/2 inch iron rod set for corner;

THENCE North 53 deg. 27 min. 36 sec. East, a distance of 825.01 feet to a 1/2 inch iron rod set for the most westerly north corner of the herein described tract;

THENCE South 89 deg. 59 min. 24 sec. East, a distance of 283.43 feet to a 1/2 inch iron rod set for the most easterly north corner of the herein described tract in the southwesterly line of the Harris County Houston Ship Channel Navigation District Railroad, based on a width of 225 feet;

EXHIBIT A

THENCE South 53 deg. 53 min. 24 sec. East, along the southwestly line of said Harris County-Houston Ship Channel Navigation District Railroad, a distance of 1498.17 feet to the PLACE OF BEGINNING and containing 85.1531 acres of land of which 81.3022 acres lies above or northeasterly of the high bank of Greens Bayou.

186-37-1366

TRACT 2

BEING 129.4650 acres of land located in the Richard and Robert Vince Survey, Abstract No. 76, Harris County, Texas, said 129.4650 acres being comprised of Parcel 1, that certain 8.3329 acre tract of land conveyed to S.D.S. Biotech Corporation (called to contain 8.3331 acres) by deed filed under Film Code No. 025-69-1639, Official Public Records of Real Property, Harris County, Texas and Parcel 2, that certain 121.1321 acre tract of land conveyed to S.D.S. Biotech Corporation (called to contain 121.1328 acres) by deed filed under Film Code No. 054-96-1576, Official Public Records of Real Property, Harris County, Texas, said 129.4650 acres of land is more particularly described by metes and bounds as follows:

Note: All bearings recited herein are referenced to the City of Houston Monumentation System.

COMMENCING at City of Houston Monument No. 5857/1413 having coordinates of X=3,215,373.18 feet and Y=719,818.27 feet;

THENCE North 68 deg. 35 min. 13 sec. East, a distance of 183.66 feet to a 1/2 inch iron rod set for the southeast corner of said Parcel 2 in the north line of that certain tract of land conveyed to Harris County-Houston Ship Channel Navigation District by deed recorded in Volume 1219, Page 626 of the Deed Records of Harris County, Texas, from said place of beginning a concrete monument with brass disc bears North 72 deg. 20 deg. 38 sec. West-2.92 feet;

THENCE North 80 deg. 15 min. 24 sec. West, along the north line of said Harris County Houston Ship Channel Navigation District tract, a distance of 144.95 feet to a concrete monument with brass disc found for a corner of said Parcel 2;

THENCE North 53 deg. 53 min. 24 sec. West, along the north line of the Harris County Houston Ship Channel Navigation District tract, a distance of 746.82 feet to a 1/2 inch iron rod set for a corner of said Parcel 2 same being the southeast corner of Haden Road based on a width of 60 feet;

THENCE North 03 deg. 30 min. 24 sec. West, along the east line of said Haden Road, a distance of 77.89 feet to a 1/2 inch iron rod set for a corner of said Parcel 2 same being the northeast corner of said Haden Road;

THENCE North 53 deg. 53 min. 24 sec. West, along the northeasterly line of said Haden Road, a distance of 2377.63 feet to a 1/2 inch iron rod set for the southwest corner of said Parcel 2 same being the southeast corner of that certain 2.7087 acre tract of land conveyed to Jones Chemicals, Inc. by deed filed under Film Code No. 124-12-8763, Official Public Records of Real Property, Harris County, Texas;

EXHIBIT A

186-37-1367

THENCE North 03 deg. 27 min. 24 sec. West, along the said line of said 2.7087 acre tract, a distance of 544.74 feet to a 1/2 inch ironrod set for the most westerly northwest corner of said Parcel 2, same being the southwest corner of that certain 1.7217 acre tract of land conveyed to Jones Chemicals, Inc. by deed filed under Film Code No. 123-84-0346, Official Public Records of Real Property, Harris County, Texas;

THENCE North 86 deg. 32 min. 36 sec. East, along the south line of said 1.7217 acre tract, a distance of 150.00 feet to a 1/2 inch iron rod set for a corner of said Parcel 2, same being the southeast corner of said 1.7217 acre tract;

THENCE North 03 deg. 27 min. 24 sec. West, along the east line of said 1.7217 acre tract, a distance of 500.00 feet to a 1/2 inch iron rod set for the most northerly northwest corner of said Parcel 2, same being the northeast corner of said 1.7217 acre tract in the south right-of-way line of the Houston North Shore Railway, based on a width of 100 feet;

THENCE North 86 deg. 32 min. 36 sec. East, along the south right-of-way line of said Houston North Shore Railway, a distance of 2225.97 feet to a 1/2 inch iron rod set for the most northerly northeast corner of said Parcel 2, same being the northwest corner of that certain 1.009 acre tract conveyed to Harris County Flood Control District;

THENCE South 03 deg. 14 min. 24 sec. East, along a west line of said 1.009 acre tract, a distance of 100.51 feet to a 1/2 inch set for corner;

THENCE South 33 deg. 14 min. 24 sec. East, along a west line of said 1.009 acre tract, a distance of 273.04 feet to a 1/2 inch iron rod set for corner;

THENCE South 20 deg. 36 min. 24 sec. East, along a west line of said 1.009 acre tract, a distance of 122.81 feet to a 1/2 inch iron rod set for the south corner of said 1.009 acre tract;

THENCE South 03 deg. 30 min. 24 sec. East, along the east line of said Parcel 2, a distance of 533.34 feet to a 1/2 inch iron rod set for a corner of the herein described tract, same being the northwest corner of said Parcel 1, from which a railroad spike found bears South 14 deg. 08 min. 55 sec, East - 7.04 feet;

THENCE North 86 deg. 29 min. 36 sec. East, a distance of 497.33 feet to a 1/2 inch iron rod set for the northeast corner of said Parcel 1, in the northwesterly line of a 50 foot wide Houston Lighting & Power Co. easement;

THENCE South 15 deg. 18 min. 26 sec. West, along the northwesterly line of said 50 foot wide easement, a distance of 1542.13 feet to a 1/2 inch iron rod set for the south corner of said Parcel 1 in the east line of said Parcel 2;

THENCE South 03 deg. 30 min. 24 sec. East, along the east line of said Parcel 2, a distance of 698.02 feet to the PLACE OF BEGINNING and containing 129.4650 acres of land.

185-37-1308

NOT RECORDED HEREIN IN WHICH INTERESTS THAT HAVE, HERETO, OR ARE OF THE NATURE OF
PROPERTY RIGHTS OF OTHERS HAVE BEEN FILED IN THE PUBLIC RECORDS OF HARRIS COUNTY, TEXAS
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number
sequence on the date and at the place stamped herein by me, and was
duly RECORDED, in the Official Public Records of Real Property of Harris
County, Texas on



JUL 21 1987
COUNTY CLERK
HARRIS COUNTY, TEXAS